

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**FREDERICK DILLON,**

**Plaintiff,**

**v.**

**9:15-cv-0106 (BKS/ATB)**

**DR. R. ADAMS, *et al.*,**

**Defendants.**

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**APPEARANCES:**

Frederick Dillon  
14-A-0649  
Marcy Correctional Facility  
P.O. Box 3600  
Marcy, NY 13403  
Pro se Plaintiff

Hon. Eric T. Schneiderman  
New York State Attorney General  
Joshua L. Farrell, Esq., Assistant Attorney General  
The Capitol  
Albany, NY 12224  
For Defendants

**Hon. Brenda K. Sannes, United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

On January 20, 2015, Plaintiff Frederick Dillon commenced this civil rights action under 42 U.S.C. § 1983 alleging that the Defendants violated his constitutional rights while he was incarcerated at the Clinton Correctional Facility. (Dkt. No. 1). On April 30, 2015, the Court granted Plaintiff's application for leave to proceed in forma pauperis after making a preliminary finding that Plaintiff had satisfied the "imminent danger" exception to the three strikes provision

in 28 U.S.C. § 1915(g). (Dkt. No. 11). On October 26, 2015, Defendants filed a motion to revoke Plaintiff's in forma pauperis status and conditionally dismiss the complaint. (Dkt. No. 42). Plaintiff filed a response to the motion on November 3, 2015. (Dkt. No. 43). A reply was filed by Defendants on November 30, 2015. (Dkt. No. 44).

This matter was referred to United States Magistrate Judge Andrew T. Baxter, and on March 10, 2016, Magistrate Judge Baxter issued a Report-Recommendation recommending that Defendants' motion to conditionally dismiss be denied. (Dkt. No. 45). Magistrate Judge Baxter advised the parties that they had fourteen days to file written objections to the report and that the failure to object to the report within fourteen days would preclude appellate review. *See Roldan v. Racette*, 984 F.2d 85 (2d Cir. 1993); 28 U.S.C. 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e); Dkt. No. 45, at pp. 9-10. No objections to the Report-Recommendation have been filed.

Since no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court has reviewed the Report-Recommendation for clear error. *Petersen v. Astrue*, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b), advisory committee's note to the 1983 addition. Under this standard, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.* Having reviewed the Report-Recommendation for clear error and having found none, it is hereby

**ORDERED** that the Report-Recommendation (Dkt. No. 45) is **ADOPTED** in its entirety; and it is further

**ORDERED** that Defendants' Motion to Conditionally Dismiss (Dkt. No. 42) is **DENIED**; and it is further

**ORDERED** that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

**Dated: April 11, 2016**

Brenda K. Sannes  
Brenda K. Sannes  
U.S. District Judge